REMARKS

Claims 34-37 are new and find support throughout the specification, for example, in Figures 1 and 8 and corresponding portions of the specification.

Claims 1-7, 9-11, 22, 25-28, 30 and 31 were rejected as unpatentable over U.S. Patent No.2,153,911 (Benedetti) in view of U.S. Patent No. 3,482,765 (Probst). As discussed below, the applicant disagrees with these rejections.

Claim 1 recites a blank that includes connection edges extending along overlap regions which are interconnectable for shaping a container. At least one peripheral recess, which is open to the outside, is formed in each of the overlap regions. The blank has a first overlap line and a second overlap line, where, upon connection of the overlap regions, the first connection edge substantially aligns with the second overlap line and the second connection edge substantially aligns with the first overlap line. An inner edge of one of the overlapping peripheral recesses extends at least in part along the first overlap line and an inner edge of another one of the overlapping peripheral recesses extends at least in part along the second overlap line.

An example of the claimed subject matter is shown in FIG. 1 of the present application, reproduced below, which shows a blank 1 that includes connection edges 6, 7 extending along overlap regions 8, 9 which are interconnectable for shaping a container, similar to container 2 shown in FIG. 8. A peripheral recess 10, open to the outside, is formed in each of the overlap regions 8, 9. A first overlap line 19 and a second overlap line 20 are shown such that, when the overlap regions 8, 9 are connected together, the first connection edge 6 substantially aligns with the second overlap line 20 and the second connection edge 7 substantially aligns with the first overlap line 19. An inner edge 21 of the left overlapping peripheral recess 10 extends just about entirely along the first overlap line 19 and an inner edge 21 of the right overlapping peripheral recess 10 extends just about entirely along the second overlap line 20.

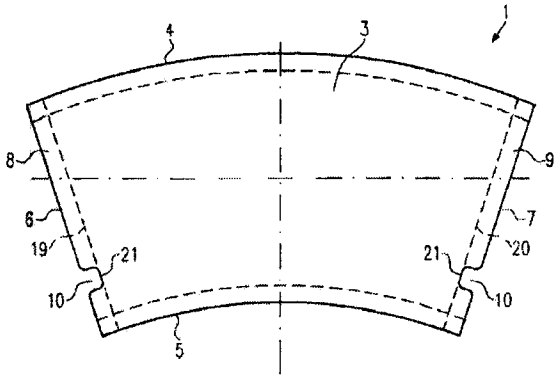


Fig.1

In a typical implementation, the claimed blank configuration enables the production of a container with an inspection window that has a surprisingly high degree of dimensional stability, particularly in the area around the inspection window. This high degree of dimensional stability is achieved using surprisingly simple manufacturing techniques.

In this regard, the pending application discusses the high dimensional stability that can be achieved at paragraph [0010]:

> Since a peripheral opening is formed in at least each of the overlap regions, the inspection opening composed thereof after connection of the overlap regions is also arranged in the overlap region. Since at said place the wall thickness of the container is essentially twice as large as the remaining container wall due to the connection of the two overlap regions, the inspection opening is arranged in a reinforced area of the container and thus more stable and can be subjected to higher loads without loss in fluid tightness.

The pending application discusses the simple manufacturing techniques that can be implemented to achieve the high dimensional stability at paragraph [0008]:

> Peripheral edges in at least each of the overlap regions along the first and second connection edges of the blank can be produced during a corresponding edge trimming without the need for separate tools for making corresponding openings in the blank outside the overlap regions. Since edge trimming is carried out at any

rate during manufacture of the blank, said manufacturing step can simultaneously be used for making the corresponding peripheral openings. Due to the arrangement of the peripheral openings in the overlap region, the corresponding parts of the blank that have been removed for making the peripheral openings can be disposed of together with the waste parts arising during edge trimming. A separate disposal of waste parts formed outside the overlap regions is no longer necessary.

As discussed below, neither the Benedetti patent nor the Probst patent, alone or in any reasonable combination, discloses or renders obvious the claimed subject matter.

The Benedetti patent discloses a container A with a body 5, one side of which has an inspection window. *See* FIG. 1. In particular, one side wall 6 of the body 5 is built with overlapping portions 8, 9, one of which is cut (at 10) to form a window, which is sealed with a transparent strip 11. Col. 2, lines 5-15.

The Office action concedes that the Benedetti container lacks a peripheral recess formed in each of the overlapping portions 8, 9, where the peripheral recesses have inner edges that extend at least in part along an overlap line, as recited in claim 1. The term "overlap line" according to claim 1, refers to a line with which one of the connection edges substantially aligns when the overlap regions are connected.

Indeed, the inner edge of the cut (at 10) in Benedetti's overlapping portion 9 does not extend at least in part along an "overlap line," where the edge of an overlapping portion 8 substantially aligns when overlapping regions are connected. Instead, the inner edge portion of the cut (at 10) clearly is displaced from the edge of overlapping portion 8 by the entire width of the window in the container A.

Thus, the Benedetti container A does not include a peripheral recess with an inner edge that extends at least in part along an overlap line, as recited in claim 1. Accordingly, Benedetti's container A does not enjoy the same surprising results (*i.e.*, the high degree of dimensional stability produced by using relatively simple manufacturing techniques) that can be realized by implementations of the claimed subject matter.

Nor would it have been obvious to modify the Benedetti container, in view of the Probst patent, to obtain the foregoing subject matter. This is at least because, as discussed below: (1)

Probst is missing the same subject matter as Benedetti is missing; and (2) a person of ordinary skill in the field of containers would not have applied the teachings of Probst to modify Benedetti's container.

(1) Probst is Missing the Same Subject Matter as Benedetti

Probst discloses a church contribution envelope (*see, e.g.,* FIG. 2) with openings in the back of the envelope, but not the front of the envelope. Col. 1, lines 13-18. This arrangement of openings (on one side only) enables religious organizations that receive a large number of these envelopes with financial contributions to easily check that an envelope is empty before discarding it while also providing space on the front of the envelope for printed material. *See e.g.,* col. 2, lines 38-46. Probst also points out that contributors generally object to the contents of their envelope being seen from the front of the envelope - the arrangement of openings (on one side only) addresses this issue as well. *See, e.g.,* col. 1, lines 34-42.

The Probst envelope is formed from a blank (*see, e.g.,* FIG. 1) that has side flaps 10, 12 and a bottom flap 8. Col. 2, lines 3-14. Each side flap 10, 12 has a groove 14, 20 and the bottom flap 8 has two grooves 16, 18. When the side flaps 10, 12 and the bottom flap 8 are folded inwardly, openings are formed, one of which is formed by the overlapping of grooves 18 and 20, the other of which is formed by the overlapping of grooves 14 and 16.

As shown in FIG. 2, with the flaps 8, 10, 12 folded inwardly, the grooves 14 and 20 do not have inner edges that extend at least in part along an overlap line, (*i.e.,* a line with which an edge of the flap 8 substantially aligns when the flap 8 is folded inwardly), as recited in claim 1. Instead, the lines with which the edges of flap 8 substantially align are substantially below the inner edges of grooves 14 and 20.

Likewise, grooves 16 and 18 do not have inner edges that extend at least in part along an overlap line (*i.e.,* one of the lines with which an edge of either flap 10 or 12 substantially aligns when the flaps 10, 12 are folded inwardly), as recited in claim 1. Instead, each line with which each respective edge of the flaps 10, 12 substantially aligns is at a substantial distance from the inner edge portions of the grooves 16 or 18.

Thus, like the Benedetti container, the Probst envelope (as represented in FIGs. 1 and 2) does not include a peripheral recess with an inner edge that extends at least in part along an overlap line, as recited in claim 1. Therefore, even if it had been obvious somehow to modify Benedetti's container in view of Probst, the resulting container would not have included a peripheral recess with an inner edge that extends at least in part along an overlap line, as recited in claim 1.

Claim 1 should be allowable for at least the foregoing reasons.

(2) A Person of Ordinary Skill Would not have Modified Benedetti in View of Probst

The office action alleges that it would have been obvious to modify Benedetti's container in view of Probst. The applicant respectfully disagrees.

Benedetti's container A is "for liquids such as milk, cream or the like." Col. 1, lines 1-3. Thus, a person of ordinary skill would have immediately understood that the container A would need to be sealed in a fluid-tight manner, particularly in the area of the container's inspection window.

Probst discloses a church contribution envelope to currency, such as dollar bills. The openings in Probst's envelope are not sealed at all. Indeed, there would have been no reason to even think of sealing these openings and certainly not in a fluid-tight manner. Additionally, there is nothing in Probst that would have suggested to a person of ordinary skill that modifying Benedetti's container to incorporate design aspects of the openings in Probst's envelope would have led to an adequately sealed container.

Therefore, the applicant submits that it would not have been obvious to modify Benedetti in view of Probst for at least the foregoing reasons.

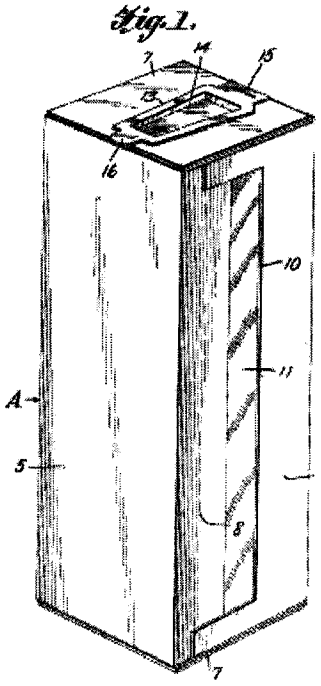
Claim 1 should be allowable for at least this additional reason.

Claim 1 should be allowable for additional reasons as well.

For example, claim 1 recites "at least one peripheral recess . . . formed in each of the overlap regions." An example of this feature is shown in Figure 1 of the present application,

reproduced above, which shows one peripheral recess 10 in each of the two overlap regions 8, 9. Therefore, the blank has two peripheral recesses 10.

The office action alleges that cut 10 in Benedetti's container corresponds to a "peripheral recess" of claim 1. Benedetti's Figure 1 is reproduced below:



As shown in Benedetti's Figure 1, there is only one cut 10 in Benedetti's container – not two. Therefore, Benedetti's container lacks "at least one peripheral recess . . . formed in each of the overlap regions," as recited in claim 1.

The office action (in the first paragraph on Page 3) seems to suggest that it would have been obvious to modify Benedetti's container to include a matching recess cut into the edge of the other panel 8 "to create a smooth opening." However, even if a person of ordinary skill somehow wanted to modify Benedetti's window "to create a smooth opening," this would not have lead that person to add a matching recess in panel 8. This is because, a smooth opening

could be achieved by modifying the shape of the cut 10 in Benedetti's container and simply adding a matching recess in panel 8 would not have even produced a smooth opening.

Moreover, there is no evidence in the office action that a person of ordinary skill would have thought that "creating a smooth opening" in Benedetti's container would have been desirable.

The office action also states that "[i]t would have been obvious . . . to modify Benedetti's container to include a matching recess cut into the edge of both overlapping panels (8 as well as 9) while maintaining both contents viewing functionality (Probst; Col. 1 lines 5-10) and strength characteristics (Probst; Column 1 lines 20-25)." This statement simply does not explain at all why the proposed modifications would have been obvious. Instead, this statement seems to be a mere conclusion that the proposed modifications would have been obvious, followed by an observation that certain characteristics (*i.e.,* viewing functionality and strength[1]) would be maintained if those modifications were made.

Claim 1 should be allowable for the foregoing additional reasons.

Claims 2-7 and 9-11 depend from claim 1 and, therefore, should be allowable for at least the same reasons as claim 1.

Claims 22, 25-28, 30 and 31 also are rejected as unpatentable over U.S. Patent No. 2,153,911 (Benedetti) in view of U.S. Patent 3,482,765 (Probst).

Claim 22 recites subject matter similar to the subject matter in claim 1, discussed above. Claim 22, therefore, should be allowable for at least the foregoing reasons.

Claims 25-28, 30 and 31 depend from claim 22 and, therefore, should be allowable for at least the same reasons as claim 22.

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[1] The office action relies on Col. 1, lines 20-25 of Probst to support its proposition that strength would be preserved if the allegedly obvious modifications to Benedetti's container were made. Col. 1, lines 20-25 of Probst clearly does not support this proposition. Indeed, there is no mention or suggestion whatsoever of strength in the cited passage.

Claims 23, 24 and 29 were rejected under 35 U.S.C. §103(a) as unpatentable over Benedetti and Probst in view of either U.S. Patent No. 5,031,826 (Seufert) or U.S. Patent No. 6,378,763 (Nelson).

Claims 23, 24 and 29 depend from claim 22 and, therefore, are allowable over Benedetti in view of Probst for at least the reasons set forth herein.

Additionally, neither Seufert nor Nelson, alone or in combination with any of the other cited references, discloses or renders obvious the subject matter in claim 22. More particularly, Seufert and Nelson do not disclose or suggest the subject matter discussed above that is missing from Benedetti and Probst. Nor does the Office action allege anything to the contrary.

The Office action appears to rely on the Seufert patent for merely disclosing a container with a base 4 and a window. *See* FIGS. 5 and 8-10. Moreover, the Office action appears to rely on the Nelson patent for merely disclosing a container that includes a label ply 15 that may have various indicia printed thereon. Col. 5, lines 1-5.

Thus, Seufert and Nelson do not disclose or suggest the subject matter discussed above that is missing from Benedetti and Probst.

Claims 23, 24 and 29 should be allowable for at least the foregoing reasons.

New Claims

New claims 32-35 depend from claim 1 and, therefore, should be allowable for at least the same reasons as claim 1.

Conclusion

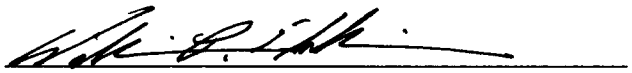
It is believed that all rejections of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as

an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

No fee is believed to be due. Please apply any charges or credits to Deposit Account No. 06-1050, referencing Docket No. 27514-0005US1.

Respectfully submitted,

Date: May 9, 2011



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